

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. G-14-12 (3)
	§	
DANIEL REYNA	§	

ORDER OF DETENTION PENDING TRIAL

On July 18, 2014, this Court conducted a Hearing on the Government's Motion to Detain **Daniel Reyna**, a named Defendant in the above-styled and numbered cause. The Government appeared by attorney and announced ready; the Defendant appeared in person and by court-appointed counsel and announced ready. The Government offered the testimony of James Emmerson, a member of the Drug Enforcement Administration Task Force; the Defendant proffered evidence in support of his request for release. The Court also made the Pretrial Services report, which recommended detention, a part of the record for purposes of the Detention Hearing only. Having now considered the evidence, this Court makes the following findings of fact and conclusions of law:

1. That pursuant to the Indictment there is probable cause to believe that **Daniel Reyna** has committed a drug offense with a maximum penalty of ten years or more confinement, see 18 U.S.C. § 841, see also United States v. Trosper, 809 F.2d 1107, 1110 (5th Cir. 1987);

2. That by virtue of the foregoing finding a rebuttable presumption was created in favor of **Reyna's** detention, 18 U.S.C. § 3142(e);
3. That the strength of the Government's case is substantial given wire-tap recordings of calls between **Reyna** and Defendant Hinojosa concerning 4 to 5 methamphetamine transactions during the last several days of November 2013; local confidential informants' corroboration of his "street level" drug dealing; and recovery of 2 bags of methamphetamine, 8 weapons, including 2 machinegun-type weapons and a "lot" of ammunition at the time of **Reyna's** arrest;
4. That prior to his arrest in this case, **Reyna** had been convicted of felony possession of a controlled substance, aggravated robbery and terroristic threats and sentenced to concurrent 2-year terms of imprisonment on October 6, 2006;
5. That by virtue of **Reyna's** prior drug conviction it is reasonable to predict that his drug trafficking activities would continue if he were to be released on bond, United States v. Salerno, 481 U.S. 739 (1987);
6. That **Reyna's** proffered evidence, while indicative of a low risk of flight, failed to rebut the presumption of detention created by the criminal activities alleged against him in this case and his prior felony prior convictions;
7. That by virtue of the foregoing findings, **Reyna** would constitute a danger to the community if released;

8. That the credible evidence and information submitted establishes by clear and convincing evidence that there is no condition or combination of conditions which could be imposed upon **Reyna** by this Court to reasonably assure the safety of the community if he were released.

It is, therefore, **ORDERED** that **Daniel Reyna** be, and he is hereby, **COMMITTED** to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

It is further **ORDERED** that **Daniel Reyna** **SHALL** be afforded a reasonable opportunity for private consultation with defense counsel.

It is further **ORDERED** that upon Order of a Court of the United States or upon request of an attorney for the Government, the person in charge of the corrections facility **SHALL** deliver **Daniel Reyna** to the United States Marshal for the purpose of an appearance in connection with a Court proceeding.

DONE at Houston, Texas, this 22nd day of July, 2014.



John R. Froeschner
United States Magistrate Judge